

OCTOBER 31, 2017

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A REPORT FOR THE CALIFORNIA CHERRY BOARD

GENERAL ISSUES OF INTEREST TO THE CCB:

Mediterranean Fruit Fly Quarantine in Solano County, California

- On October 23, the U.S. Department of Agriculture's Animal and Plant Health Inspection Service (APHIS) and the California Department of Food and Agriculture (CDFA) published a notice regarding an established Mediterranean fruit fly (Medfly) quarantine in Fairfield, Solano County, California.
- On August 23, CDFA and Solano County program staff confirmed a single adult female Medfly in Fairfield, and confirmed an additional three male Medflies two days later which triggered a new federal and state quarantine area. The quarantine, effective September 25, includes residential and commercial hosts. Currently, the quarantine area encompasses approximately 85 square miles.
- APHIS is working with CDFA and the Solano County Agriculture Commissioner's office to respond to these detections following program survey, treatment, and quarantine protocols which are necessary to prevent the spread of Medfly to non-infested areas. More information can be found in the following APHIS [notice](#).

Vietnam Publishes Draft Circular Regarding Food Safety for Foods of Plant Origin

- Vietnam [notified](#) the World Trade Organization (WTO) of a recently published [circular](#) (in Vietnamese) regarding food safety for foods of plant origin.
- The regulation aims to guide the implementation and amendment of measures to ensure food safety for foods of plant origin under the management of the Vietnamese Ministry of Agriculture and Rural Development. The circular lays out the requirements for certification procedures and eligibility, inspections for imported plant foodstuffs, packaging, labelling, advertising, and traceability to ensure food safety.
- The proposed date of entry into force is January 2018, and the final date for comments to the WTO is December 17, 2017.

European Commission Fails to Reach a Decision on Glyphosate

- The European Commission Standing Committee on Plant and Animal Food and Feed was scheduled to vote on a license extension for the herbicide glyphosate on October 25; however, after much discussion, no vote was taken.
- In anticipation of a vote, a committee within the European Parliament approved in non-binding resolution calling for a complete phase out of glyphosate (*BCI Monitor* 10-24-17). According to media sources, the resolution prompted the Commission to drop its proposal for a ten-year license extension, and submit a proposal for a five-year approval.
- A vote on this proposal is expected at the next sitting of the committee on November 9.

USDA Publishes Report on Proposed Restrictions to Neonicotinoids in European Union

- On October 26, the U.S. Department of Agriculture (USDA) Foreign Agriculture Service (FAS) published a [report](#) on the European Union's (EU) proposal to further restrict the use of certain neonicotinoid pesticides.
- The EU notified the World Trade Organization of its proposal to ban all uses, except for application in permanent greenhouses in the EU, of neonicotinoids imidacloprid, clothianidin, and thiamethoxam. The proposal would restrict most uses of neonicotinoids, but the three active substances would still be authorized for use in the EU.
- The European Commission Standing Committee of Plants, Animals, Food and Feed has not yet voted on the proposal; however, if the restrictions enter into force by the end of 2017, all prohibitions would be in place by mid-2018.
- The proposed restrictions are not linked to human health concerns, which means that there is currently no indication that the maximum residue limits and import tolerances for these substances will be affected.

World Trade Organization Issues Compliance Panel Reports on U.S.-Mexico Tuna Dispute

- On October 26, the World Trade Organization (WTO) [issued](#) panel reports finding that U.S. dolphin-safe labelling requirements for tuna and tuna products comply with WTO rules, and that the U.S. environmental measure does not discriminate against Mexican tuna products.
- Since 2008, Mexico has challenged the U.S. dolphin-safe labelling requirements as inconsistent with WTO rules as the requirements deny the "dolphin-safe" label for tuna produced by chasing and capturing dolphins. This is the fishing method that Mexican fisheries often elect to use to catch tuna.
- In the original proceeding, and the first compliance proceeding in this dispute, the WTO panel and Appellate Body did not agree with Mexico that the commonly used methods were dolphin-safe, but found that certain aspects of the U.S. labeling requirements were WTO-inconsistent. On March 22, 2016, the National Oceanic and Atmospheric Administration made changes to the labelling requirements, and the recent panel reports confirm that the amended dolphin-safe labelling requirements are consistent with relevant WTO obligations.
- Separately, on May 22, 2017, following an arbitration proceeding based on the requirements that existed as of 2013, Mexico received WTO authorization to impose countermeasures on U.S. products at a level up to \$163 million per year (*BCI Monitor* 4-25-17). To date, Mexico has not applied any countermeasures on U.S. exports. The panel reports confirm that, because U.S. dolphin-safe labeling requirements are consistent with U.S. WTO obligations, Mexico should not be entitled to impose the countermeasures on U.S. goods.
- Under WTO rules, a panel report will be adopted if either party so requests within 60 days of the report's circulation, or either party may appeal the report before it is adopted. According to media sources, Mexico has already said it will appeal the decision.

U.S. Proposes Measures to Punish World Trade Organization Members Behind on Notifications

- On October 30, the U.S. circulated a proposal in the form of a draft ministerial declaration to World Trade Organization (WTO) members for consideration at the December ministerial meeting in Buenos Aires. The proposal aims to punish countries that fall behind in notifying the WTO of trade-relevant domestic policies.
- In the proposal, if a member fails to notify the WTO for one year following a notification deadline, the nation would be disqualified from consideration for various chairmanship positions within the WTO. The punishment would also include blocking access to the WTO member website, and calling out the delinquent member annually at the WTO Council for Trade in Goods. After two, but fewer than three years, a WTO member would be considered inactive and denied access to WTO training and technical assistance.
- The U.S. argues that, by failing to comply with transparency obligations, WTO members are undermining the proper functioning of WTO agreements and making it more difficult to negotiate updates and improvements. The U.S. signed out agriculture, fisheries subsidies, and technical barriers to trade as the areas where members are not living up to their notification commitments.

European Union-Cuba Agreement Enters into Force

- November 1 will mark the beginning of provisional application of the European Union (EU) and Cuba Political Dialogue and Cooperation Agreement (PDCA).
- The PDCA comprises of three main chapters on political dialogue, cooperation and sector policy dialogue, as well as trade cooperation, and the areas of common interest include rural development, the environment, good governance, security, and job creation. The EU will conduct activities with the public and private sector, local authorities, and the whole range of civil society.
- The agreement between the EU and Cuba was signed on December 12, 2016, and approved on July 5, 2017 (*BCI Monitor* 7-11-17). More information regarding EU-Cuba relations is available [here](#).